

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAWRENCE RUTHER,	)	
	Plaintiff,	)
		) No. 1:20-cv-494
-v-	)	
		) Honorable Paul L. Maloney
MATTHEW SCHNEIDER,	)	
	Defendants.	)
		)

---

**ORDER**

This is a civil case brought by Lawrence Ruther that appears to bring a claim for breach of contract. Ruther was permitted to proceed *in forma pauperis* (ECF No. 3). On June 17, 2020, United States Magistrate Judge Phillip J. Green issued a Report & Recommendation (“R&R”) recommending that the Court dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2) because it fails to state a claim upon which relief can be granted and it fails to establish subject matter jurisdiction (ECF No. 4). Ruther timely filed an objection (ECF No. 5). For the reasons to be discussed, the Court will overrule the objection and adopt the R&R as the Opinion of the Court.

**Legal Framework**

With respect to a dispositive issue, a magistrate judge issues a report and recommendation, rather than an order. After being served with an R&R issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). A district court judge

reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam) (holding the district court need not provide de novo review where the objections are frivolous, conclusive, or too general because the burden is on the parties to “pinpoint those portions of the magistrate’s report that the district court must specifically consider”). Failure to file an objection results in a waiver of the issue and the issue cannot be appealed. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *see also Thomas v. Arn*, 474 U.S. 140, 155 (1985) (upholding the Sixth Circuit’s practice). The district court judge may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

### **Analysis**

Ruther’s objection is largely illegible, but appears to be a list of demands, including a request to subpoena Magistrate Judge Green, a request to “order a copy to D. Trump for jury trial,” and a request to order a phone hearing. But Ruther’s objection does not identify any errors in the R&R itself. Absent any specific objections, the Court need not review the R&R, and Ruther’s objection is overruled. Accordingly,

**IT IS ORDERED** that the June 17, 2020 R&R (ECF No. 4) is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff’s objection to the R&R (ECF No. 5) is **OVERRULED**.

**IT IS FURTHER ORDERED** that Plaintiff's complaint is dismissed for failure to state a claim upon which relief can be granted and lack of subject matter jurisdiction.

Judgment to follow.

**IT IS SO ORDERED.**

Date: July 16, 2020

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge